

EXHIBIT 6

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

IN RE: HIGH-TECH EMPLOYEE)
ANTITRUST LITIGATION)
) No. 11-CV-2509-LHK
THIS DOCUMENT RELATES TO:)
ALL ACTIONS.)
_____)

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VIDEO DEPOSITION OF ERIC SCHMIDT

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Reported by: Rosalie A. Kramm, CSR No. 5469, CRR

11:17:39 1 A. Over that.

11:17:40 2 MR. RUBIN: So you don't want him to share his
11:17:42 3 memory?

11:17:42 4 MR. HEIMANN: No, I want him to answer the
11:17:45 5 question. I'm just telling him -- we'll get to it, but I
11:17:46 6 do want to know your best recollections as you sit here.

11:17:49 7 THE WITNESS: And I remember at some point
11:17:52 8 discussing to have some of the board members not be --
11:17:56 9 you know, their companies not be -- not be targeted, in
11:17:59 10 whatever the correct term is. And that's sort of all I
11:18:02 11 really remember.

11:18:02 12 BY MR. HEIMANN:

11:18:03 13 Q. Do you recall who you had those conversations
11:18:05 14 with?

11:18:08 15 A. Well, again, these are very vague, but they
11:18:10 16 would have been with Shona and/or Bill Campbell.

11:18:17 17 Q. Why would they have been with Mr. Campbell? I
11:18:20 18 understand with Shona.

11:18:21 19 A. Bill Campbell was my coach.

11:18:24 20 Q. What does that mean?

11:18:26 21 A. Informal advisor, provide guidance to the
11:18:29 22 manager, a coach. Understand it as a coach in other
11:18:35 23 areas as well.

11:18:36 24 Someone I could talk to to ask questions and
11:18:38 25 get some advice from; how to handle difficult situations.

11:26:19 1 going.

11:26:20 2 MR. RUBIN: Okay. Maybe in about 15 minutes.

11:26:24 3 MR. HEIMANN: I can keep going, but I'll need
11:26:26 4 some water.

11:26:31 5 THE WITNESS: We can keep going.

11:26:31 6 MR. HEIMANN: We'll take a break anytime you
11:26:32 7 want, but I was sort of hoping we could go an hour and a
11:26:36 8 half or so between breaks.

11:26:37 9 THE WITNESS: Whatever you like.

11:26:57 10 (Discussion off the record.)

11:26:59 11 THE WITNESS: Okay.

11:27:00 12 BY MR. HEIMANN:

11:27:12 13 Q. Have you had a chance to look at this?

11:27:14 14 A. I have.

11:27:15 15 Q. Do you recall this circumstance at all?

11:27:17 16 A. I have a general recollection of this.

11:27:20 17 Q. Why don't you tell us, as best you recall, what
11:27:23 18 happened.

11:27:23 19 A. Okay. My general recognition is that -- well,
11:27:30 20 in the first place it's important to establish the
11:27:33 21 context of Apple and Google in the -- I guess this is
11:27:37 22 2005. So we're friendly with Apple, and we have
11:27:45 23 potential partnerships, and they're not a competitor, and
11:27:50 24 I believe at this point we have a search deal with them.
11:27:54 25 If not, we're working on one. You can check that.

11:27:59 1 And so in that context, we're beginning to
11:28:02 2 speak with Steve, because Steve ran -- ran the place
11:28:09 3 quite directly.

11:28:10 4 I'm not sure during which periods of time this
11:28:13 5 occurred, but I would talk to Steve, Steve came over for
11:28:17 6 lunch one day for Larry and Sergey and I, those sorts of
11:28:22 7 things. So in that context, there is contact with Apple,
11:28:29 8 with -- in particular with Steve.

11:28:31 9 So in reading this email, this email is about
11:28:34 10 our -- the allegation that we were recruiting a technical
11:28:40 11 person from the Safari browser team to start our own
11:28:45 12 browser. And you can see in the message that he talks at
11:28:49 13 some length about Mozilla, and that he also says that
11:28:53 14 we're not building a browser.

11:28:56 15 Q. So I appreciate your answer, but my question
11:28:58 16 was, what did -- tell us what you recall of the events
11:29:02 17 surrounding this email.

11:29:05 18 MR. RUBIN: Objection.

11:29:05 19 BY MR. HEIMANN:

11:29:06 20 Q. As best you can remember.

11:29:08 21 MR. RUBIN: Objection. Argumentative.

11:29:09 22 MR. HEIMANN: Thank you.

11:29:12 23 THE WITNESS: That was my answer. I mean
11:29:13 24 that's what I remember. I don't remember the specific
11:29:16 25 email. I remember the general issue, which I tried to

11:29:18 1 summarize for you.

11:29:21 2 BY MR. HEIMANN:

11:29:35 3 Q. When you say you were friendly with Apple, what
11:29:37 4 does that mean?

11:29:40 5 A. Well, friendly with Apple as opposed to
11:29:42 6 unfriendly with Microsoft. That would be an example of
11:29:46 7 the way I understand that.

11:29:47 8 Q. Well, that's not -- I'm sorry. That's not
11:29:49 9 clear to me.

11:29:50 10 A. Okay. Well, ask a different -- ask it in a way
11:29:52 11 that I can answer your question.

11:29:53 12 Q. Okay. What was it about the relationship
11:29:55 13 between Apple and Google that made it a friendly one?

11:29:59 14 A. Because they weren't a competitor in the way
11:30:01 15 that Microsoft was.

11:30:05 16 Q. And how was it that Microsoft was a competitor
11:30:07 17 and that Apple was not?

11:30:09 18 A. Because Microsoft was engaged in many nefarious
11:30:13 19 activities, including building a search engine to compete
11:30:16 20 with us.

11:30:17 21 Q. Why did you -- why would you consider their
11:30:20 22 building a search engine to compete with you a nefarious
11:30:25 23 activity?

11:30:25 24 A. Because Microsoft is guilty of many nefarious
11:30:29 25 activities, which is a long discussion, not particularly

11:30:31 1 relevant to this legal -- legal issue, but by this time,
11:30:36 2 Microsoft is busy building a search engine to compete
11:30:40 3 with us or either has -- has announced that they are
11:30:43 4 going to come in and kill us with products that they
11:30:45 5 haven't shipped yet, and so on and so on. They are
11:30:48 6 highly competitive during this period, and that
11:30:50 7 continues.

11:30:55 8 And I should be clear that Apple was not
11:30:57 9 building a search engine to compete with us, and search
11:31:01 10 was 98 or 99 percent of our revenue. That would be the
11:31:04 11 definition of a competitor.

11:31:08 12 Q. Well, I'm really trying to get an understanding
11:31:12 13 of this notion of friendly, because it is -- I'm sure you
11:31:14 14 appreciate it is somewhat vague.

11:31:17 15 Did you consider any company that you were not
11:31:19 16 a direct competitor with to be a friendly company?

11:31:24 17 A. No. That's not what I said.

11:31:27 18 Q. Okay. So that's why I want to get at -- what
11:31:29 19 was it about the relationship with Apple, aside from the
11:31:32 20 fact that they weren't a competitor, that made them a
11:31:34 21 friendly company?

11:31:35 22 A. Well, start with the fact that Apple was trying
11:31:37 23 to build great and beautiful products; that Apple at the
11:31:42 24 time was working on a thing called WebKit, which was the
11:31:45 25 source for Safari, which is part of an open source piece

11:31:51 1 of software which we admired. As I indicated we were
11:31:54 2 either in conversations or we had already done a search
11:31:57 3 deal with them, that would make them friendly. We were
11:32:00 4 providing search services to them. So customer, partner.

11:32:03 5 The word "friendly" here can be -- it's
11:32:06 6 deliberately vague. All right? There is no precise
11:32:09 7 definition of friend or foe. In our industry these days,
11:32:13 8 you have people who are both -- you have both
11:32:17 9 competitive -- competition and partnering within the same
11:32:20 10 firm now. That's a maturation of the industry.

11:32:24 11 Q. And when you say the term "friendly" is
11:32:26 12 deliberately vague, why is that?

11:32:28 13 A. I mean I don't define the word "friendly." I'm
11:32:31 14 just defining it how I use it.

11:32:32 15 Q. I know, but you said it was deliberately vague,
11:32:35 16 as if somebody intended it to be a vague term.

11:32:37 17 A. That is not what I meant.

11:32:38 18 Q. What did you mean, then?

11:32:40 19 A. Okay. Well, then I will not say the word
11:32:43 20 "deliberately." It doesn't have a precise meaning.

11:32:52 21 Q. Do you recall what, if anything, happened as a
11:32:55 22 result of this communication between Mr. Jobs and I think
11:33:00 23 it's Sergey Brin?

11:33:05 24 A. Well, there is -- there is subsequent
11:33:07 25 correspondence about this, but in general -- as a general

11:33:11 1 statement, we began to look very carefully at Apple
11:33:17 2 recruiting, and then I believe we stopped recruiting from
11:33:21 3 that team, and maybe from all of Apple.

11:33:25 4 Q. And when did that happen, then?

11:33:26 5 A. It would be after this, during this period.

11:33:29 6 Q. Shortly after?

11:33:30 7 A. I don't recall.

11:33:32 8 Q. Let's focus on the timing, then. The email
11:33:35 9 from Mr. Brin, assuming the date and time are correct, is
11:33:38 10 on Sunday morning, in the early morning, 1:00 o'clock.

11:33:46 11 A. I see that, yes.

11:33:47 12 Q. And he's talking about having received a call
11:33:49 13 from Mr. Jobs that very day. So either Saturday, during
11:33:54 14 the day, or -- one would guess, rather than early Sunday
11:33:58 15 morning. But in any event, right about the time that he
11:34:02 16 sends the email.

11:34:03 17 A. Okay.

11:34:03 18 Q. All right? And then Ms. Brown responds even
11:34:08 19 earlier on the day, but this time on Monday at 4:30 in
11:34:12 20 the morning, assuming that that time is correct.

11:34:15 21 A. Well, it is highly likely that Shona was not in
11:34:18 22 the same time zone to generate these time clocks, but it
11:34:22 23 is perfectly possible she was traveling when she saw it.
11:34:26 24 So those times would be California times.

11:34:27 25 Q. Okay. Well, let's go to the next exhibit,

12:08:29 1 communications between the people, because he has good
12:08:33 2 trust relationships with me and also with Steve. So I
12:08:36 3 think he's simply trying to be helpful.

12:08:38 4 BY MR. HEIMANN:

12:08:49 5 Q. Was the agreement with Apple about no cold
12:08:58 6 calling related to any specific corroboration or joint
12:09:01 7 effort at the time?

12:09:03 8 MR. RUBIN: Collaboration, you mean?

12:09:04 9 BY MR. HEIMANN:

12:09:05 10 Q. Collaboration, I'm sorry. Thank you.

12:09:09 11 A. Well, as I indicated, I believe we had a search
12:09:11 12 deal there, and I believe that we were in -- we were
12:09:15 13 discussing the maps technology there. Apple is today a
12:09:20 14 very large customer of Google's, and until they did their
12:09:26 15 own maps a very large customer of our maps. So we also
12:09:29 16 today have an extremely detailed collaboration involving
12:09:33 17 the very team that this names, because the team that this
12:09:37 18 is referring to, which is called WebKit, is the
12:09:39 19 foundation of the Chrome browser.

12:09:43 20 So we would have certainly anticipated some of
12:09:48 21 that, but we would not have foreseen all of it. Exactly
12:09:52 22 where we were, I couldn't tell you.

12:09:54 23 Q. So back to the question, was the agreement with
12:09:55 24 Apple regarding recruiting, cold calling, related to any
12:10:00 25 specific collaboration that existed at the time?

12:14:54 1 you characterized it as a mutual agreement between the
12:14:56 2 two companies.

12:14:57 3 BY MR. HEIMANN:

12:14:57 4 Q. Uh-huh.

12:14:58 5 A. Which is what I did not like in your question.
12:15:02 6 So I don't know if there was an agreement on the Apple
12:15:05 7 side with this kind of specificity.

12:15:08 8 Q. Well, now you've qualified it. Do you know
12:15:10 9 whether or not there was any agreement on Apple's side
12:15:13 10 with respect to cold calling into Google?

12:15:17 11 MR. RUBIN: Objection. Lacks foundation as to
12:15:18 12 "agreement."

12:15:21 13 THE WITNESS: Again, I don't know what Apple --
12:15:22 14 as a general answer, I don't know what Apple's policy
12:15:25 15 with respect to cold calling into Google was. I didn't,
12:15:29 16 and I don't now.

12:15:31 17 BY MR. HEIMANN:

12:15:31 18 Q. So if I put it to you that, in fact, there was
12:15:34 19 an explicit agreement between Google and Apple not to
12:15:37 20 cold call each others' employees, you couldn't tell me
12:15:41 21 whether that was true or not.

12:15:42 22 A. Are you -- are you informing me that that's
12:15:43 23 true?

12:15:44 24 Q. I'll show you a document in a minute that says
12:15:46 25 that.

12:16:28 1 BY MR. HEIMANN:

12:16:41 2 Q. Again, to Exhibit 561, that's the email from
12:16:47 3 Ms. Brown, Genentech is a company that is identified as
12:16:53 4 one of the three companies for this special arrangement.

12:16:57 5 Why?

12:16:58 6 A. I have no -- I don't specifically recall the
12:17:00 7 conversation, as I said. But I would observe that
12:17:04 8 Genentech, Intel, and Apple -- that Genentech and Intel
12:17:10 9 had board members that were board members of Google, and
12:17:13 10 Genentech was -- Art Levinson was the CEO of Genentech.
12:17:18 11 Paul Otellini was the CEO of Intel. And Apple, of
12:17:22 12 course, I eventually got on their board, and Bill
12:17:23 13 Campbell was a board member of Apple.

12:17:26 14 So, again, my feeling would be -- I don't
12:17:29 15 precisely remember, would be that this was related -- and
12:17:33 16 I vaguely remember saying that we did not want a
12:17:37 17 situation where you had a sitting board member and we
12:17:40 18 were cold calling into their companies.

12:17:43 19 Q. Now, at what level is that speculation and at
12:17:47 20 what level is that an actual memory of the reason for the
12:17:51 21 agreement with respect to Genentech?

12:17:53 22 A. It's vague enough I can't give you a precise
12:17:56 23 answer, but I think it's probably true.

12:17:58 24 Q. Was there any other reason you can think of for
12:18:00 25 Genentech being the subject of this agreement?

12:18:03 1 A. No, and I don't recall us hiring from

12:18:07 2 Genentech. So --

12:18:09 3 Q. So the answer is, no, there isn't any other
12:18:11 4 reason that you can think of.

12:18:12 5 A. That's fine.

12:18:13 6 Q. All right. How about with respect to Intel?

12:18:15 7 Was there any other reason that you can think of, other
12:18:17 8 than the director situation?

12:18:21 9 A. Well, with Intel we -- Intel has a deep, deep
12:18:25 10 partnership with -- had and has a deep, deep partnership
12:18:28 11 with Google at many, many levels, technical levels. So
12:18:31 12 that would be the -- that would be a good reason.

12:18:33 13 Q. Was it the reason at the time?

12:18:35 14 A. As I -- as I indicated I have a vague
12:18:38 15 recollection that it was -- it was Paul Otellini being on
12:18:42 16 the board. I would have also added the deep
12:18:46 17 collaboration between the companies.

12:18:48 18 Q. And do you recall any discussion of that at the
12:18:49 19 EMG meeting with respect to Intel?

12:18:51 20 A. As I indicated, I don't recall the specifics of
12:18:54 21 the discussion.

12:18:55 22 Q. And the agreement with respect to Genentech was
12:18:58 23 company-wide, was it?

12:18:59 24 A. It would --

12:19:00 25 MR. RUBIN: Objection. Vague.

13:17:56 1 in -- coincident with this era, this period of time.

13:17:59 2 BY MR. HEIMANN:

13:18:00 3 Q. I have it down that you joined in August of
13:18:02 4 2006. Does that sound right?

13:18:04 5 A. That sounds good.

13:18:05 6 Q. And you were on the board up until or through
13:18:08 7 August 2009?

13:18:09 8 A. That sounds about right.

13:18:10 9 Q. And then you went off the board of Apple?

13:18:12 10 A. That is correct.

13:18:13 11 Q. Why?

13:18:14 12 A. The conflicts between the company while I was
13:18:20 13 on the board -- it started with almost no conflict, and
13:18:24 14 then during the time I was on the board the iPhone was
13:18:28 15 announced, and then the android product line, which is
13:18:31 16 the primary competitor for the iPhone now, was announced,
13:18:36 17 and I had to recuse myself under the rules, which is the
13:18:39 18 right thing. And it got to the point where I had to
13:18:41 19 recuse myself from too much, that I could not effectively
13:18:45 20 contribute as an Apple board member, and it was the right
13:18:48 21 decision to get off.

13:18:51 22 Q. All right. Sir, in this instance we're look at
13:18:53 23 Exhibit 187, apparently Mr. Jobs brought to your
13:18:56 24 attention his complaint about Google's recruiting into
13:18:59 25 his iPod group.

14:01:45 1 MR. RUBIN: Objection. Vague.

14:01:46 2 THE WITNESS: I don't know what Intel's policy
14:01:48 3 with respect to recruiting Google was.

14:01:50 4 BY MR. HEIMANN:

14:01:50 5 Q. Don't you think it's likely that you did know
14:01:52 6 at the time?

14:01:53 7 MR. RUBIN: Objection. Argumentative; calls
14:01:55 8 for speculation.

14:01:58 9 THE WITNESS: No. I actually don't.

14:01:59 10 BY MR. HEIMANN:

14:02:01 11 Q. And why is that?

14:02:02 12 A. The relationship was unique because Paul was on
14:02:07 13 the Google board, whereas I was not on the Intel board.
14:02:12 14 So it is perfectly possible you could have different
14:02:15 15 policies in two different companies. It is not
14:02:17 16 symmetric.

14:02:18 17 Q. And the "Paul" in your answer is who?

14:02:20 18 A. Otellini.

14:02:22 19 Q. He was the CEO --

14:02:24 20 A. CEO of Intel.

14:02:25 21 Q. Don't you think it likely that if there was an
14:02:27 22 actual agreement, whether in writing or not, between
14:02:31 23 Google and Intel about not recruiting from each others'
14:02:35 24 employees, that you would have been aware of that?

14:02:37 25 MR. RUBIN: Objection. Argumentative; calls

14:02:39 1 for speculation; lacks foundation based on prior
14:02:42 2 testimony.

14:02:48 3 THE WITNESS: As I previously said, we set the
14:02:50 4 policy based on what we thought was the right way to
14:02:53 5 treat these partners. I have no memory of ever
14:02:58 6 discussing Intel's policy.

14:03:00 7 BY MR. HEIMANN:

14:03:01 8 Q. Did Google tell these companies what Google's
14:03:05 9 policy was?

14:03:06 10 A. I'm sure I spoke with Paul about this at some
14:03:09 11 point.

14:03:10 12 Q. And you don't have any recollection of him
14:03:12 13 assuring you that Intel's practices and policies with
14:03:15 14 Google was the same as Google's was to Intel; is that
14:03:20 15 right?

14:03:20 16 A. That's correct. It's also -- it's important to
14:03:22 17 understand that it's at -- these situations are
14:03:24 18 asymmetric because at the time in question Google was
14:03:28 19 growing very, very dramatically, and so we were certainly
14:03:34 20 hiring lots of people from the Valley; whereas the other
14:03:36 21 companies might not have been in such a growth phase. So
14:03:40 22 they're not -- they're not symmetric relationships.

14:03:43 23 Q. And how does that relate to the question about
14:03:44 24 whether or not the agreements were reciprocal?

14:03:46 25 A. Well, they don't have to be reciprocal to be

14:03:48 1 the right thing. We could decide unilaterally to do the
14:03:52 2 right thing.

14:03:52 3 Q. And not at all be troubled that the other
14:03:54 4 companies might be recruiting your best people right out
14:03:57 5 from under your nose?

14:03:58 6 A. I think it's highly unlikely that Intel would
14:04:02 7 have recruited any of our best people at the current and
14:04:04 8 periods of time you are discussing.

14:04:06 9 Q. How about not some of your best people, then?

14:04:08 10 MR. RUBIN: I'm sorry?

14:04:09 11 BY MR. HEIMANN:

14:04:10 12 Q. Some of your other people.

14:04:11 13 A. We would argue that all of our people are our
14:04:13 14 best people.

14:04:14 15 Q. That's right. So you think it is likely that
14:04:16 16 they would have been recruiting at all from Google?

14:04:18 17 A. Well, Google during this period was -- I don't
14:04:21 18 know how to describe it without sounding arrogant, but we
14:04:24 19 were the hottest company in the Valley to work for during
14:04:27 20 this period. We were winning best places to work for,
14:04:30 21 you know, many, many other aspects.

14:04:32 22 So I think it is a fair characterization that
14:04:36 23 we -- that we would generally win such a competition.

14:04:45 24 Q. So you are suggesting you didn't need it to be
14:04:47 25 reciprocal because you were such an attractive place to

14:13:21 1 A. No recollection.

14:13:22 2 Q. One way or the other?

14:13:23 3 A. I don't recall.

14:15:05 4 Q. In Exhibit 202 that I was asking you about,

14:15:10 5 Mr. Otellini says in response to the question about any

14:15:16 6 agreement prohibiting recruiting from Google, in part, "I

14:15:21 7 would not like this broadly known."

14:15:22 8 Do you see that?

14:15:23 9 A. I do.

14:15:24 10 Q. Do you know of any reason that he would not

14:15:27 11 want the agreement, that he thought existed apparently,

14:15:30 12 broadly known?

14:15:31 13 MR. RUBIN: Objection. Lacks foundation.

14:15:32 14 THE WITNESS: I would have to guess his

14:15:34 15 motivations writing this sentence. I have no knowledge.

14:15:38 16 BY MR. HEIMANN:

14:15:38 17 Q. Okay. Dell, that's the company in Texas that

14:16:07 18 is going private?

14:16:08 19 A. Yes.

14:16:09 20 Q. Were they ever on the do-not-call list?

14:16:11 21 A. Yes. As -- as we saw on some of the previous

14:16:16 22 things they were on, and one of the memos said they were

14:16:19 23 on for a trial period.

14:16:20 24 Q. And why were they put on the list, if you

14:16:22 25 recall?

14:16:22 1 A. I don't recall. I vaguely remember Michael
14:16:26 2 bringing it up, but I don't recall the specifics. We
14:16:29 3 were -- Dell was a very large customer for search, and we
14:16:35 4 were trying to get them to distribute Chrome and a number
14:16:40 5 of other things during this period.

14:16:42 6 So -- and I flew to visit Michael in Austin,
14:16:46 7 you know, that kind of thing.

14:16:48 8 Q. Did you reach an agreement with him that the
14:16:50 9 companies would not recruit from each other?

14:16:52 10 A. I have no memory of talking to him personally
14:16:54 11 about it. I don't -- I honestly just don't remember the
14:16:59 12 transaction involving Dell and recruiting.

14:17:01 13 Q. Okay. Let's start with Exhibit 204.

14:17:37 14 Do you have any recollection of this email
14:17:38 15 exchange?

14:17:38 16 A. No.

14:17:39 17 Q. All right. So it begins with an email from
14:17:41 18 Mr. Dell to yourself in April of 2007, subject, "Hiring
14:17:48 19 our guys." Do you see that?

14:17:49 20 A. I do.

14:17:49 21 Q. In which he wrote to you, "I learned recently
14:17:52 22 that Google extend an offer to one of our sales guys,
14:17:56 23 Sean Berg. Not really happy about this, and not the kind
14:18:00 24 of think" -- I think he meant thing -- "we would expect
14:18:05 25 given our partnership. We should discuss next time we

16:50:12 1 A. I don't know. Tens and tens and tens.
16:50:15 2 Q. I mean, like, a hundred, maybe?
16:50:17 3 A. Maybe not that many. Lots.
16:50:21 4 Q. Mostly at Google or from before as well?
16:50:24 5 A. Oh, no, no. We did plenty at Sun and at
16:50:27 6 Novell.

16:50:28 7 MR. HEIMANN: All right, sir, well, I hope this
16:50:30 8 wasn't too tedious for you. I appreciate your patience,
16:50:32 9 and subject to the qualifications I indicated earlier,
16:50:36 10 that's all I have for you.

16:50:37 11 THE WITNESS: Okay. Well, thank you.

16:50:38 12 MR. MITTELSTAEDT: I have two --

16:50:39 13 THE WITNESS: I'm sorry.

16:50:39 14 MR. MITTELSTAEDT: -- two questions.

16:50:40 15 THE WITNESS: Go ahead.

16:50:40 16

16:50:40 17 EXAMINATION

16:50:41 18 BY MR. MITTELSTAEDT:

16:50:41 19 Q. The other companies in this case are Adobe,
16:50:44 20 Apple, Intel, Intuit, Pixar, and Lucasfilm. Are you --

16:50:49 21 A. Okay.

16:50:49 22 Q. In the 2001 to 2009 period, were you aware of
16:50:55 23 any do-not-cold-call agreements between any of those two
16:51:00 24 companies, other than Google?

16:51:03 25 A. No. I'm not aware of any -- not aware of any

16:51:07 1 deals between any of the other companies in the industry.

16:51:10 2 Q. Did you ever agree with any company that it
16:51:13 3 would have a do-not-cold-call agreement with any of the
16:51:17 4 defendants in this case?

16:51:19 5 A. I'm sorry. Can you -- did I ever agree with
16:51:21 6 any other company that it would not have --

16:51:24 7 Q. That it would have, that it would enter into
16:51:27 8 do-not-cold-call agreements with any of the companies in
16:51:30 9 this case?

16:51:31 10 A. No. Same answer. I -- I'm not aware of any
16:51:35 11 such agreements, except for the discussions we've had
16:51:38 12 concerning Google.

16:51:39 13 Q. And the last question was, did you, yourself,
16:51:43 14 on behalf of Google, ever agree with any company that it
16:51:47 15 would have a do-not-cold-call agreement with another
16:51:50 16 company?

16:51:51 17 A. No.

16:51:53 18 MR. MITTELSTAEDT: That's all I have. Thank
16:51:54 19 you.

16:51:56 20 THE WITNESS: Okay. Any other questions?

16:51:59 21 THE VIDEOGRAPHER: This is the end of Video 3
16:52:01 22 of 3 and concludes today's proceedings. The master
16:52:05 23 videos will be retained by Jordan Media. We are now off
16:52:09 24 the record. The time is 4:52.

16:52:10 25 (The deposition concluded at 4:52 p.m.)

Deposition of Eric Schmidt

I, Rosalie A. Kramm, Certified Shorthand

Reporter licensed in the State of California, License No. 5469, hereby certify that the deponent was by me first duly sworn and the foregoing testimony was reported by me and was thereafter transcribed with computer-aided transcription; that the foregoing is a full, complete, and true record of said proceedings.

I further certify that I am not of counsel or attorney for either of any of the parties in the foregoing proceeding and caption named or in any way interested in the outcome of the cause in said caption.

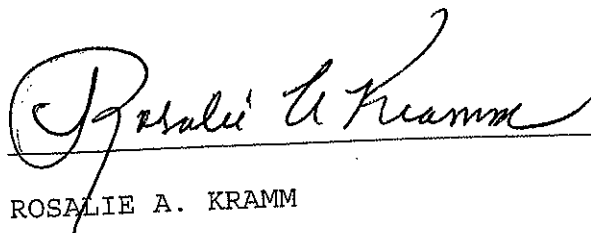
The dismantling, unsealing, or unbinding of the original transcript will render the reporter's certificates null and void.

In witness whereof, I have hereunto set my hand this day: February 23, 2013.

 X Reading and Signing was requested.

 Reading and Signing was waived.

 Reading and signing was not requested.



ROSALIE A. KRAMM

CSR 5469, RPR, CRR

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